

REMARKS / ARGUMENTS

Claims 1-4, 7, 17, 21-24, 45-46, 52-53, 89-90 and 106-109 remain pending in this application. Claims 8-10, 13, 20, 25-32, 34, 36-38, 40-42, 44, 47-51, 54-88, 91-105 and 110-113 have been canceled without prejudice or disclaimer. Claims 5-6, 11-12, 14-16, 18-19, 33, 35, 39 and 43 were previously canceled. No new claims have been added.

Specification

Generic terminology is provided, where appropriate for the various trademarks. It is pointed out to the Examiner that each and every trademark cannot be easily identified with generic terminology. However, the proprietary nature of Trademarks has been respected in this application to the extent possible. However LYCRA® has been generically defined as spandex.

35 U.S.C. §112

The rejection of claims 112 and 113 under 35 U.S.C. §112, first and second paragraphs, has been rendered moot by the cancellation of claims 112, and 113 without prejudice or disclaimer.

35 U.S.C. §103

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broun et al (U.S. Patent No. 5,431,970). Claims 1-4, 7 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broun et al . Claims 111-113 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broun et al.

Although Applicant strongly disagrees with the Examiner's rejection of claims under this section, in order to expedite the issuance of subject matter indicated as being allowable, the rejected claims are being canceled in favor of further prosecution in a continuation application. In addition, a number of the previously withdrawn claims, due to a restriction requirement, are also canceled. It is submitted that the remaining withdrawn claims now depend from allowable claims and should therefore be allowed in the next communication from the Patent Office.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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